

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Hermione K.I. Winter

Plaintiff,

v.

Civ. No. 17-1432-LPS

Dr. P. Munoz, et al.,

Defendants.

Hermione K.I. Winter, James T. Vaughn Correctional
Center, Smyrna, Delaware, Pro Se Plaintiff

Appeal,

Response To February 5, 2018 District
Court Memorandum Opinion

AND

Amended Complaint

AND

Amended Defendants

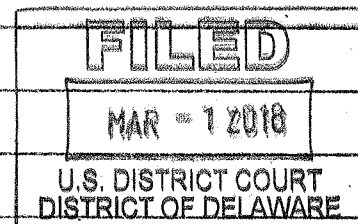
AND

USM-285 Forms For

All Connections Employees

February 26, 2018

~~XXXXXXXXXXXXXXXXXXXX~~
Smyrna, Delaware



BW

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Amended Defendants

Unless otherwise stated all defendants address
is as follows:

James T. Vaughn Correctional Center
1181 Padlock Road,
Smyrna, Delaware 19977

Medical/Mental Health Defendants

- | | |
|-----------------------------|---|
| 1. Dr. P. Munoz | 13. Dr. Cratissa Hammond |
| 2. Laura L. Brackett, RN | 14. Dr. Richardson (RTC Head) |
| 3. Jim C. Penix, RN | 15. Timara (Therapist) |
| 4. Stacie Collins-Young, RN | 16. Virginia (Therapist) |
| 5. Julie Amado, RN | 17. Peter Osinubi (Therapist) |
| 6. Penny I. Davis-Wipf, RN | 18. Arkava Smith, RN |
| 7. Melinda A. Lee, RN | 19. Pamela Magee, RN |
| 8. Sabrina C. Gillis, RN | 20. Matthew Wofford, ^{Medical} Director |
| 9. Lori L. Williams, RN | 21. Stephanie, Psychologist/MD |
| 10. Carla Miller, Provider | 22. David Yunis (Psychiatrist) |
| 11. Kathleen Potter, Dr. | 23. Kelly (Head of RTC) |
| 12. Dr. Robin O. Timme | 24. Adrain Harewood ^(Medical) Director |

Department of Corrections

- | | |
|---------------------------|--|
| 25. Bruce Burton, Cpt. | 31. James Scarborough ^{Deputy} Warden |
| 26. Stinger, Sgt. | 32. Dana Metzger, Warden |
| 27. Bernard, Counselor | 33. Marc Richman, Bureau Chief |
| 28. Wilfred Beckles, Sgt. | 34. David Pierce, Prior Warden |
| 29. Forkum, Sgt. | 35. Matthew Dutton, ^{Grievance} C/O |
| 30. Sennato, Staff Lt. | 36. Katrina Burley, ^{Grievance} C/O |

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Plaintiff Information

I. Winter, Hermione, K.I. No Aliases

Prisoner ID # 662660

James T. Vaughn Correctional Center

1181 Paddock Road

New Castle, Smyrna, DELAWARE 19977

II. Convicted and sentenced State Prisoner

III. Response To February 5, 2018 Memorandum

I filed my original complaint on October 01, 2017. I am in no way an expert, have severe mental health issues (I am the Mental Health Institute Building For Long Term Terminal Patients, Medium Functioning) and this is my first time incarcerated in prison.

A. "In Delaware, §1983 claims are subject to a two-year limitations period." (Page ^{See} 4)

I did not know this and it was repeatedly beat into my head that I had no rights especially medical, none-the-less, the law is the law. So, I respectfully ask the courts to permit all prior filed claims related to this suit as entry of a character

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Profile (Picture if you will) and establishment of pattern of deliberate behavior. Instead of claims on which to seek relief purely, I also ask the courts to reference the JTVCC Kamilla D. London case.

B. "To the extent that Plaintiff bases her claims upon her dissatisfaction with the grievance procedure or denial of her grievances, the claims fail because an inmate does not have a "free-standing constitutional right to an effective grievance process." (see Page 6)

Due to my M.H. I often have difficulty perceiving how something is understood by the receiving party. I was not intending my claim against the grievance process. Rather, my claim was and is against the individuals themselves. Said individuals had and have the power to ensure I receive the proper, even if bare minimum, adequate medical treatment for my serious medical need,

It is my understanding even as an inmate I have a constitutional right to medical treatment for any and all serious medical needs.

Furthermore, the U.S. Supreme Court has defined a serious medical need as anything a medical or mental health professional deems needing treatment.

The courts have determined Gender Dysphoria previously known as Gender Identity Disorder when I was a child as a serious medical need.

Those individuals directly denied, withdrew, and continue to delay treatment/cures, any for that matter, deliberately after acknowledging my need for feminizing HRT's (Hormone Replacement Treatments).

Furthermore, despite being fully aware of the ramifications of their deliberate indifference they refused to act or acted in the opposing manner; contributing to self-surgery and suicide attempts and no cure to stop me.

So, I respectfully ask the courts to reconsider and add back those defendants. I desperately need a lawyer to sort out all this info and add necessary stuff. Plus this is very painful to write. See *Hermione K. F. Winter v. Marc Richman, et al.*, 17-01322-LPS.

C. Claims against Warden Dana Metzger

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and other Department of Correction Officials or staff have been added or amended in enclosed Amended Complaint. (See pages

D. "Plaintiff will be given leave to amend the medical needs claim." (See Page 9)

Have done so in/under "Amended Complaint" (See Enclosed); however, again due to the complexities of this case, my mental health condition, and physical condition (e.g. see Civ. Action No. 17-01322-LPS) I really need legal representation. Therefore, another Motion of Counsel Need has been filed with this,

E. "Plaintiff failed to accompany the Complaint with an affidavit of merit as required by 18 Del. C. § 6853 (a) (1). Therefore, the medical malpractice claim will be dismissed." (see Page 10)

I simply request since I am pro se and not an expert of law and did not know this, that the court reconsider and give me ample leave to do so or provide legal representation.

F. "Prisoners have no entitlement to a specific job, or even to any job. - Plaintiff's claim fails as a matter of law." (see page 10)

My claim was and is not entitled to a job. Even inmates are not to be subjugated to discrimination, hate crimes, or intentional target labels putting the inmate at further deliberately known physical risk. Furthermore, while I am not entitled to a job I am entitled to equal treatment as any given inmate and the Delaware prisons are required to provide rehabilitation. They aren't doing so.

So, in closing for part F, I ask the courts to reconsider and I have added updates to my claim under "Amended Complaint" (see Enclosed) further expanding on my actual claims having nothing to do with a sense of "entitlement" to a job.

G. "There are no specifics alleged that would allow the grievance Defendants to adequately respond to the Equal Protection claim." (see Page 71)

Please accept my "Amended complaint" (see enclosed) updating this.

H. "... no individuals are named who allegedly performed the strip searches..." (see Page 12)

This has been updated as an oversight in my "Amended Complaint" (see enclosed); furthermore, it has been ruled a male

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Officer or employee of the prisons will NOT strip search a female of transsexual/transgender - female inmate without a female officer present or under extreme circumstances where a report must be filed. JTVCC policy AND action directly contradict this 100% of the time. See Patti Hammon Shaw v. District of Columbia, et al., 944 F. Supp. 2d 43, 2013 U.S. Dist LEXIS 67346, Civil Action No 12-0538 (ESH) (Decided 5/13/2013)

For these three reasons I ask the court to allow my strip search claim as meritorious.

I. Sexual Harassment Claim

Amended Accordingly (see Enclosed)

J. Failure To Protect Claim

Amended Accordingly (see Enclosed)

K. Miscellaneous Motions

Resubmitted the Following in e-File Same day as this: Request For Counsel and Request For TRO.